

Appl. No. : **09/539,032**
Filed : **March 30, 2000**

REMARKS

Claims 1, 3 and 8 have been amended. Claim 5 has been canceled. Thus, claims 1-4 and 6-9 remain presented for examination. Support for the amendments to the claims may be found in the original claims, throughout the specification (e.g., page 2, second paragraph; page 7, first paragraph). Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the amendments and comments presented herein are respectfully requested.

Summary of Substance of Interview

Applicants' representatives would like to thank Examiner Moran for the courtesy extended to them during the telephonic interview conducted on February 6, 2007. During the interview, the alleged new matter rejection was discussed and Applicants argued that the peptide comparisons recited in the claims were supported by the genomic comparison language in the specification. Although the Examiner was not convinced, she agreed that page 2 of the specification provided support for comparison of pathogenic conserved proteins to host proteins.

Rejections Under 35 U.S.C. §112, first paragraph

Claims 1-9 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement (new matter rejection). The Examiner maintains her contention that comparison of genomes, as recited in original claim 1, does not provide support for comparison of peptides as presently claimed. Applicants do not agree with the position taken by the Examiner. The specification at page 2, second paragraph, states that genome-wise comparison of large number(s) of protein sequences can be done simultaneously. The specification at page 3, second paragraph, discusses that previous methods are not designed to do simultaneous genome-wise comparisons to identify invariant sequence motifs that are of particular importance in this work (relating to peptide sequences). The specification at page 4, third paragraph states that "the main object of the present invention is to provide a method for genome-wise protein sequence comparison of several organisms and identification of invariant conserved peptides." Thus, it is evident from the specification that "genome-wise sequence comparison" refers to comparison of peptide sequences, not nucleic acid sequences.

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In addition, the Examiner alleges that the specification does not describe comparison of extended conserved bacterial peptide sequences to host peptide sequences. However, during the interview, the Examiner acknowledged that comparison of PATHOGENIC conserved proteins to host proteins is supported by the original specification. Thus, claim 1 has been amended to recite the subject matter indicated by the Examiner to be supported by the specification solely to expedite allowance of the application.

In view of the claim amendments and comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Rejections Under 35 U.S.C. §112, second paragraph

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite based on recitation of the phrase “by increasing the relatedness.” Claim 5 has been canceled herein, thus rendering this rejection moot.

Claim 8 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite based on recitation of the phrase “the selected organism” in the last line, since it was unclear which single “organism” is intended as the antecedent basis for “the organisms” or claim 8. Claim 8 as amended refers to the selected pathogenic organisms of step iii) which has proper antecedent basis in claim 1.

In view of the amendments and comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

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CONCLUSION

Applicants have made an earnest effort to respond to all objections and rejections set forth in the Office Action, and submit that all claims are in condition for allowance. If any issues remain that could be resolved by telephone, the Examiner is cordially invited to contact the undersigned at the telephone number provided below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: March 22, 2007

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